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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (s) No. 1779 of 2005

Petitioner	Indradeo Singh, aged about 36 years, Son of Late Suraj Singh, by Occup: Assistant Veterinary Field Officer, Sub Centre Karra, Block Raipur, Dist. Sarguja.

Versus

Respondents	1) The State of Madhya Pradesh, through the Secretary, Veterinary Department, Vallabh Bhawan, Bhopal.
	2) The Director, Veterinary Services, M.P. Bhopal.
	3) The Joint Director, Veterinary Services, Department, Bilaspur.
	4) The Deputy Director, Veterinary Services, Sarguja.
	5) Shri Shankar Singh, Chouhan, Deputy Director, Veterinary Services, Ambikapur, Dist. Sarguja.

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present:
Shri Atul Anand Awasthy with Shri Anand Shukla and Shri Parag Kotecha, counsel for the petitioner.
Ku. Dipali Pandey, Panel Lawyer for the State.

ORAL ORDER
(Passed on 4th May, 2007)

The Petitioner working as Assistant Veterinary Field Officer was selected for one year training vide order dated 24-2-1995 (Annexure P/2). After completion of successful one year training, the petitioner was promoted, on temporary basis, to the post of Class III, Non-clerical Assistant Veterinary Field Officer on the pay scale of Rs. 1320-40-1440-50-2040/- vide order dated 19-6-1996 (Annexure P/4). The petitioner was posted at Sarguja. Thereafter, all of a sudden, vide order dated

31-12-1998 (Annexure P/5), the petitioner was reverted back to the original post as Poultry Vaccinator on the ground that he did not have the requisite qualification for the promoted post.

2. Being aggrieved, the petitioner has filed this petition challenging the order dated 31-12-1998 (Annexure P/5) on the ground that the impugned order tantamounts to reversion and the same has been passed without affording proper opportunity of hearing i.e., violation of principles of natural justice and fair play in action.

3. Learned counsel appearing for the petitioner would submit that the petitioner was never afforded an opportunity of hearing to establish that the petitioner possessed requisite qualification for the same. The petitioner was never asked for any certificate of the qualification. The petitioner was sent for training and thereafter on completion of one year training, the petitioner was promoted to the post of Class III, Non-clerical Assistant Veterinary Field Officer, vide order dated 19-6-1996 (Annexure P/4). The impugned order is vitiated on the ground of non-compliance of basic principles of natural justice.

4. Per contra, learned counsel appearing for the respondent/State would submit that since the petitioner was not qualified for the post, there was no necessity of granting an opportunity of hearing to the petitioner. In para 12 of the return field by the respondent/State, it was stated as under:

> "12. However, the applicant was ineligible to hold the post of Assistant Veterinary Field Officer has no prescriptive right over the said post unless the applicant proves that the qualification which he possess entitles him to hold the post of Assistant Veterinary Field Officer."

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5) I have heard learned counsel appearing for the parties, perused the pleadings and the documents appended thereto. It is an admitted position that the impugned order was passed without affording an opportunity of hearing to the petitioner, that tantamounts to reversion. It is well settled principles of law that any order punitive in nature visiting with evil consequences cannot be passed without affording an opportunity of hearing to the person concerned against whom the order has been passed. There is no dispute with regard to non-affording of opportunity of hearing. Thus, the impugned order is vitiated.

6 In view of the well settled principles of law, the impugned order is bad and the same is set aside. The petition is allowed accordingly. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Raju